Case 07-20218 Doc 1 Filed 10/30/07 Entered 10/30/07 17:45:42 Desc Main Document Page 1 of 10

Official Form 1	(4/07)				carriori		90 - 1	0. 10				
		United S Nor			ruptcy of Illino					Volu	ıntary	Petition
Name of Debtor (if individual, enter Last, First, Middle): Smith, Kim Michelle					Name	of Joint	Debtor (Spous	se) (Last, First	, Middle):			
All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names):						All O (inclu	All Other Names used by the Joint Debtor in the last 8 years (include married, maiden, and trade names):					
Last four digits o	of Soc. Sec./Comple	ete EIN or otl	ner Tax II	D No. (if mo	re than one, stat	te all) Last f	our digits	s of Soc. Sec./G	Complete EIN	or other Tax	ID No. (if	more than one, state all
Street Address of 290 E. Rimin Palatine, IL	f Debtor (No. and S ni Court	Street, City, a	nd State)	:			Street Address of Joint Debtor (No. and Street, City, and State):					
				Г	ZIP Code 60067	-						ZIP Code
County of Reside	ence or of the Prince	cipal Place of	Business		00001	Coun	ty of Resi	idence or of th	e Principal Pl	ace of Busine	ess:	
Mailing Address	of Debtor (if differ	rent from stre	et addres	s):		Maili	ng Addre	ss of Joint Deb	otor (if differe	nt from street	address):	
				_	ZIP Code							ZIP Code
	cipal Assets of Bus street address abo											
Т	Type of Debtor			Nature (of Business			Chapte	er of Bankru	ptcy Code Ur	nder Whic	h
(Check one box) ■ Individual (includes Joint Debtors) See Exhibit D on page 2 of this form. □ Corporation (includes LLC and LLP) □ Partnership □ Other (If debtor is not one of the above entities, check this box and state type of entity below.)							Chapter 11 of a Foreign Main Proceeding Chapter 12 Chapter 15 Petition for Recognition of a Foreign Nonmain Proceeding Nature of Debts (Check one box) Debts are primarily consumer debts, Debts are primarily defined in 11 U.S.C. § 101(8) as business debts. "incurred by an individual primarily for				ding ecognition occeding are primarily	
	Filing F	ee (Check on	e box)			Chec	one box	:	Chapter 11	Debtors		
■ Full Filing Fee attached □ Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. □ Filing Fee waiver requested (applicable to chapter 7 individuals only). Must attach signed application for the court's consideration. See Official Form 3B.				Check	 □ Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). □ Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Check if: □ Debtor's aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,190,000. Check all applicable boxes: □ A plan is being filed with this petition. □ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b). 							
_	nistrative Inform ates that funds will		for distril	oution to u	nsecured cre	editors.			THIS	S SPACE IS FO	R COURT I	USE ONLY
	ates that, after any					ive expens	es paid,					
	no funds available	tor distribution	on to uns	ecured cred	litors.				4			
Estimated Number	er of Creditors 50- 100-	200-	1,000-	5,001-	10,001-	25,001-	50,001	- OVER				
49	99 199	999	5,000	10,000	25,000	50,000	100,000	100,000				
Estimated Assets									-			
\$0 to \$10,000	\$10,0 \$100,		_	0,001 to nillion		000,001 to 0 million	_	More than \$100 million				
Estimated Liabili	ties								7			
□ \$0 to □ \$50,001 to ■ \$100,001 to \$50,000 \$1 million					000,001 to 0 million		More than \$100 million					

Case 07-20218 Doc 1 Filed 10/30/07 Entered 10/30/07 17:45:42 Desc Main Document Page 2 of 10 FORM B1, Page 2

| Voluntary Petition | Name of Debtor(s): Smith, Kim Michelle

Voluntary	Petition	Smith, Kim Michelle				
(This page mus	t be completed and filed in every case)					
	All Prior Bankruptcy Cases Filed Within Last					
Location Where Filed:	- None -	Case Number:	Date Filed:			
Location Where Filed:		Case Number:	Date Filed:			
Pen	ding Bankruptcy Case Filed by any Spouse, Partner, or	Affiliate of this Debtor (If more tha	an one, attach additional sheet)			
Name of Debto	r:	Case Number:	Date Filed:			
District:		Relationship:	Judge:			
	Exhibit A		xhibit B al whose debts are primarily consumer debts.)			
forms 10K ar pursuant to S and is reques	eted if debtor is required to file periodic reports (e.g., ad 10Q) with the Securities and Exchange Commission ection 13 or 15(d) of the Securities Exchange Act of 1934 ting relief under chapter 11.) A is attached and made a part of this petition.	I, the attorney for the petitioner name have informed the petitioner that [he 12, or 13 of title 11, United States Co	ed in the foregoing petition, declare that I or she] may proceed under chapter 7, 11, ode, and have explained the relief available ritify that I delivered to the debtor the notice (Date)			
	Exh	ibit C				
Does the debtor own or have possession of any property that poses or is alleged to pose a threat of imminent and identifiable harm to public health or safety? Yes, and Exhibit C is attached and made a part of this petition. No. Exhibit D (To be completed by every individual debtor. If a joint petition is filed, each spouse must complete and attach a separate Exhibit D.) Exhibit D completed and signed by the debtor is attached and made a part of this petition. If this is a joint petition: Exhibit D also completed and signed by the joint debtor is attached and made a part of this petition.						
L Exilloit						
<u>.</u>	Information Regardin (Check any ag	_				
	Debtor has been domiciled or has had a residence, princip days immediately preceding the date of this petition or for	al place of business, or principal ass	ets in this District for 180 in any other District.			
	There is a bankruptcy case concerning debtor's affiliate, go	eneral partner, or partnership pendin	g in this District.			
	The second secon					
	Statement by a Debtor Who Resides (Check all app	olicable boxes)				
	Landlord has a judgment against the debtor for possession	of debtor's residence. (If box checke	d, complete the following.)			
	(Name of landlord that obtained judgment)					
	(Address of landlord)					
	Debtor claims that under applicable nonbankruptcy law, the permitted to cure the entire monetary default that gave rise possession was entered, and	here are circumstances under which e to the judgment for possession, aft	the debtor would be er the judgment for			
٥	Debtor has included in this petition the deposit with the coafter the filing of the petition.	ourt of any rent that would become of	due during the 30-day period			

Document

Page 3 of 10

FORM B1, Page 3

Voluntary Petition

(This page must be completed and filed in every case)

Name of Debtor(s): Smith, Kim Michelle

Signatures

Signature(s) of Debtor(s) (Individual/Joint)

I declare under penalty of perjury that the information provided in this petition is true and correct.

[If petitioner is an individual whose debts are primarily consumer debts and has chosen to file under chapter 7] I am aware that I may proceed under chapter 7, 11, 12, or 13 of title 11, United States Code, understand the relief available under each such chapter, and choose to proceed under chapter 7.

[If no attorney represents me and no bankruptcy petition preparer signs the petition] I have obtained and read the notice required by 11 U.S.C. §342(b).

I request relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Debtor Kim Michelle Smith

Telephone Number (If not represented by attorney)

Date

Signature of Attorney

Signature of Attorney for Debtor(s)

Melvin J. Kaplan, Bennett A. Kahn, Rae Kaplan

Printed Name of Attorney for Debtor(s)

Melvin J. Kaplan & Associates P.C.

Firm Name

14 E. Jackson Blvd. **Suite 1200**

Signature of Joint Debtor

Chicago, IL 60604

Address

Email: www.financialrelief.com (312)294-8989 Fax: (312)294-8995

Telephone Number

Date

Signature of Debtor (Corporation/Partnership)

I declare under penalty of perjury that the information provided in this petition is true and correct, and that I have been authorized to file this petition on behalf of the debtor.

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

Signature of Authorized Individual

Printed Name of Authorized Individual

Title of Authorized Individual

Date

Signature of a Foreign Representative

I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition.

(Check only one box.)

- I request relief in accordance with chapter 15 of title 11. United States Code. Certified copies of the documents required by 11 U.S.C. §1515 are attached.
- ☐ Pursuant to 11 U.S.C. §1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached.

Signature of Foreign Representative

Printed Name of Foreign Representative

Signature of Non-Attorney Bankruptcy Petition Preparer

I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19B is attached.

Printed Name and title, if any, of Bankruptcy Petition Preparer

Social Security number (If the bankrutpcy petition preparer is not an individual, state the Social Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.)(Required by 11 U.S.C. § 110.)

Address

Date

Signature of Bankruptcy Petition Preparer or officer, principal, responsible person, or partner whose Social Security number is provided above.

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional sheets conforming to the appropriate official form for each person.

A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both 11 U.S.C. §110; 18 U.S.C. §156.

Case 07-20218 Doc 1 Filed 10/30/07 Entered 10/30/07 17:45:42 Desc Main Document Page 4 of 10

Official Form 1, Exhibit D (10/06)

United States Bankruptcy Court Northern District of Illinois

		1101 therm District of Indions		
In re	Kim Michelle Smith		Case No.	
		Debtor(s)	Chapter	7

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. *Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency*.
- □ 2. Within the 180 days **before the filing of my bankruptcy case**, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. *You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.*
- □ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Must be accompanied by a motion for determination by the court.][Summarize exigent circumstances here.] ____

If the court is satisfied with the reasons stated in your motion, it will send you an order approving your request. You must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy case and promptly file a certificate from the agency that provided the briefing, together with a copy of any debt management plan developed through the agency. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. A motion for extension must be filed within the 30-day period. Failure to fulfill these requirements may result in dismissal of your case. If the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing, your case may be dismissed.

Case 07-20218 Doc 1 Filed 10/30/07 Entered 10/30/07 17:45:42 Desc Main Document Page 5 of 10

Official Form 1, Exh. D (10/06) - Cont. 4. I am not required to receive a credit counseling briefing because of: [Check the applicable statement.] [Must be accompanied by a motion for determination by the court.] 5. Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.); 6. Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.); 7. Active military duty in a military combat zone. 7. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district. 7. I certify under penalty of perjury that the information provided above is true and correct. 8. Signature of Debtor: 6. Kim Michelle Smith 6. Kim Michelle Smith

UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF ILLINOIS

NOTICE TO INDIVIDUAL CONSUMER DEBTOR UNDER § 342(b) OF THE BANKRUPTCY CODE

In accordance with § 342(b) of the Bankruptcy Code, this notice: (1) Describes briefly the services available from credit counseling services; (2) Describes briefly the purposes, benefits and costs of the four types of bankruptcy proceedings you may commence; and (3) Informs you about bankruptcy crimes and notifies you that the Attorney General may examine all information you supply in connection with a bankruptcy case. You are cautioned that bankruptcy law is complicated and not easily described. Thus, you may wish to seek the advice of an attorney to learn of your rights and responsibilities should you decide to file a petition. Court employees cannot give you legal advice.

1. Services Available from Credit Counseling Agencies

With limited exceptions, § 109(h) of the Bankruptcy Code requires that all individual debtors who file for bankruptcy relief on or after October 17, 2005, receive a briefing that outlines the available opportunities for credit counseling and provides assistance in performing a budget analysis. The briefing must be given within 180 days before the bankruptcy filing. The briefing may be provided individually or in a group (including briefings conducted by telephone or on the Internet) and must be provided by a nonprofit budget and credit counseling agency approved by the United States trustee or bankruptcy administrator. The clerk of the bankruptcy court has a list that you may consult of the approved budget and credit counseling agencies.

In addition, after filing a bankruptcy case, an individual debtor generally must complete a financial management instructional course before he or she can receive a discharge. The clerk also has a list of approved financial management instructional courses.

2. The Four Chapters of the Bankruptcy Code Available to Individual Consumer Debtors

Chapter 7: Liquidation (\$245 filing fee, \$39 administrative fee, \$15 trustee surcharge: Total Fee \$299)

- 1. Chapter 7 is designed for debtors in financial difficulty who do not have the ability to pay their existing debts. Debtors whose debts are primarily consumer debts are subject to a "means test" designed to determine whether the case should be permitted to proceed under chapter 7. If your income is greater than the median income for your state of residence and family size, in some cases, creditors have the right to file a motion requesting that the court dismiss your case under § 707(b) of the Code. It is up to the court to decide whether the case should be dismissed.
- 2. Under chapter 7, you may claim certain of your property as exempt under governing law. A trustee may have the right to take possession of and sell the remaining property that is not exempt and use the sale proceeds to pay your creditors.
- 3. The purpose of filing a chapter 7 case is to obtain a discharge of your existing debts. If, however, you are found to have committed certain kinds of improper conduct described in the Bankruptcy Code, the court may deny your discharge and, if it does, the purpose for which you filed the bankruptcy petition will be defeated.
- 4. Even if you receive a general discharge, some particular debts are not discharged under the law. Therefore, you may still be responsible for most taxes and student loans; debts incurred to pay nondischargeable taxes; domestic support and property settlement obligations; most fines, penalties, forfeitures, and criminal restitution obligations; certain debts which are not properly listed in your bankruptcy papers; and debts for death or personal injury caused by operating a motor vehicle, vessel, or aircraft while intoxicated from alcohol or drugs. Also, if a creditor can prove that a debt arose from fraud, breach of fiduciary duty, or theft, or from a willful and malicious injury, the bankruptcy court may determine that the debt is not discharged.

<u>Chapter 13</u>: Repayment of All or Part of the Debts of an Individual with Regular Income (\$235 filing fee, \$39 administrative fee: Total fee \$274)

- 1. Chapter 13 is designed for individuals with regular income who would like to pay all or part of their debts in installments over a period of time. You are only eligible for chapter 13 if your debts do not exceed certain dollar amounts set forth in the Bankruptcy Code.
- 2. Under chapter 13, you must file with the court a plan to repay your creditors all or part of the money that you owe them, using your future earnings. The period allowed by the court to repay your debts may be three years or five years, depending upon your income and other factors. The court must approve your plan before it can take effect.
- 3. After completing the payments under your plan, your debts are generally discharged except for domestic support obligations; most student loans; certain taxes; most criminal fines and restitution obligations; certain debts which are not properly listed in your bankruptcy papers; certain debts for acts that caused death or personal injury; and certain long term secured obligations.

Case 07-20218 Doc 1 Filed 10/30/07 Entered 10/30/07 17:45:42 Desc Main Document Page 7 of 10

B 201 (04/09/06)

Chapter 11: Reorganization (\$1000 filing fee, \$39 administrative fee: Total fee \$1039)

Chapter 11 is designed for the reorganization of a business but is also available to consumer debtors. Its provisions are quite complicated, and any decision by an individual to file a chapter 11 petition should be reviewed with an attorney.

Chapter 12: Family Farmer or Fisherman (\$200 filing fee, \$39 administrative fee: Total fee \$239)

Chapter 12 is designed to permit family farmers and fishermen to repay their debts over a period of time from future earnings and is similar to chapter 13. The eligibility requirements are restrictive, limiting its use to those whose income arises primarily from a family-owned farm or commercial fishing operation.

3. Bankruptcy Crimes and Availability of Bankruptcy Papers to Law Enforcement Officials

A person who knowingly and fraudulently conceals assets or makes a false oath or statement under penalty of perjury, either orally or in writing, in connection with a bankruptcy case is subject to a fine, imprisonment, or both. All information supplied by a debtor in connection with a bankruptcy case is subject to examination by the Attorney General acting through the Office of the United States Trustee, the Office of the United States Attorney, and other components and employees of the Department of Justice.

WARNING: Section 521(a)(1) of the Bankruptcy Code requires that you promptly file detailed information regarding your creditors, assets, liabilities, income, expenses and general financial condition. Your bankruptcy case may be dismissed if this information is not filed with the court within the time deadlines set by the Bankruptcy Code, the Bankruptcy Rules, and the local rules of the court.

Certificate of Attorney

I hereby certify that I delivered to the debtor this notice required by § 342(b) of the Bankruntcy Code.

Melvin J. Kaplan, Bennett A. Kahn, Rae Kaplan	* selen tro
Printed Name of Attorney	Signature of Attorney Dat
Address:	
14 E. Jackson Blvd.	
Suite 1200	
Chicago, IL 60604	
(312)294-8989	

Certificate of Debtor

I (We), the debtor(s), affirm that I (we) have received and read this notice.

Kim Michelle Smith	X	Kim m Smith	10-30-07
Printed Name(s) of Debtor(s)		Signature of Debtor	Date
Case No. (if known)	X		
		Signature of Joint Debtor (if any)	Date

Alan Beck

American Express 300 International Drive, Suite 100 Williamsville, NY 14221

Bank of America P.O. Box 15026 Wilmington, DE 19886-5726

Bank of America P.O. Box 15026 Wilmington, DE 19886-5726

Bank of America P.O. Box 15026 Wilmington, DE 19886-5726

Barry Locke & Associates, LTD. 205 W. Wacker Drive, Ste. 2333 Chicago, IL 60606

Baxtor Credit Union 400 N. Lakeview Pkwy Vernon Hills, IL 60061

Baxtor Credit Union 400 N. Lakeview Pkwy Vernon Hills, IL 60061

Capital One P.O. Box 85522 Richmond, VA 23285-5522

Chase Cardmember Service P.O. Box 15548 Wilmington, DE 19886-5548

Chase Cardmember Service P.O. Box 15548 Wilmington, DE 19886-5548

Chri & Christine Vavaroutsos 292 E. Rimini Court Palatine, IL 60067

Chris & Norene Sutter 1108 E. Anderson Drive Palatine, IL 60067

Citibank 333 E. Northwest Highway Palatine, IL 60067

Citibank 333 E. Northwest Highway Palatine, IL 60067

Cliff Steiff 600 W. Colfax Street Palatine, IL 60067

Discover Card P.O. Box 15251 Wilmington, DE 19886-5251

Gessler Hughes Socol Piers Resnick Three First National Plaza, #400 Chicago, IL 60602

Hank & Paulette Chiuppi Penny Lane Buffalo Grove, IL

Home Depot/CBSD P.O. Box 6003 Hagerstown, MD 21747-6003

Imagine (Master Card)
P.O. Box 105555
Atlanta, GA 30348-5555

Joe Sajkiewicz

Orchard Bank Mastercard Household Bank P.O. Box 17313 Baltimore, MD 21297-1313

Platinum Visa P.O. Box 80015 Los Angeles, CA 90080

Resurgent Card Services

Sears Attn: Bankruptcy P.O. Box 182149 Columbus, OH 43218-2149

TCF Bank 423 E. Dundee Rd. Palatine, IL 60067

Wells Fargo P.O. Box 6429 Carol Stream, IL 60197

Wells Fargo Home Mortgage*
Attn: Bankruptcy Mail
MAC# X7801-014, 3476 Stateview Blvd
Fort Mill, SC 29715

Zwicker & Associates 800 Federal Street Andover, MA 01810-1041